

**REMARKS/ARGUMENTS**

Claims 1-5, 7, 8, 10-14, 16, 17, 19-23, 25 and 26 are pending in the present application. Claims 1, 10 and 19 have been amended, and Claims 6, 9, 15, 18, 24 and 27 have been cancelled, herewith. Reconsideration of the pending claims is respectfully requested.

**I. 35 U.S.C. § 102, Anticipation**

The Examiner rejected Claims 1-6, 8-15, 17-24, 26 and 27 under 35 U.S.C. § 102(e) as being anticipated by Racov (US 2002/0152179). This rejection is respectfully traversed.

With respect to Claim 1, Applicants have amended such claim to include the features previously recited in Claim 9 (which is thus being cancelled herewith without prejudice or disclaimer). As amended, Claim 1 recites steps of (i) reading an identification code identifying the account of telephone call minutes from an identification device at a point-of-sale terminal, and (ii) processing the commercial transaction at the point-of-sale terminal. In rejecting Claim 9, whose features are now part of Claim 1, the Examiner states that the cited Racov references teaches the features of Claim 9 at Racov paragraph 65. Applicants urge that there, Racov states:

"[0065] The duration of each session between ICOM and the payer (e.g., customer) typically lasts only for the time it takes to make a remote payment, while the length of each session with the payee (e.g., merchant) may extend over a series of payments. By way of example, the merchant can be an agent, such as a ticket machine, where the machine accepts multiple payments from one or more customers using the ICOM payment server to process each payment transaction. At the end of each business day, the machine can then initiate one remote payment session with the ICOM server to process each transaction, or alternatively, the machine can initiate a payment session with ICOM after each individual transaction with the customer."

As can be seen, this cited passage describes two types of sessions – a customer session and a merchant session. For the customer session, the length of such session between ICOM and the payer/customer typically lasts only for the time it takes to make a *remote payment*. For a merchant session, the length of such session between ICOM and the payee/merchant may extend over a series of payments. This discussion of session lengths of time provides no teaching or suggestion of the claimed features of "reading an identification code identifying the account of telephone call minutes from an identification device at a point-of-sale terminal", as expressly recited in original Claim 9 (and now a feature of amended Claim 1).

This cited passage goes on to state that the merchant can be a ticket machine that accepts multiple payments from one or more customers *using the ICOM payment server to process each payment transaction*. This discussion of accepting customer payments does not provide any teaching or suggestion of the claimed features of "reading an identification code identifying the account of telephone call minutes from an identification device at a point-of-sale terminal", as expressly recited in original Claim 9 (and now a feature of amended Claim 1).

It should also be noted that the cited reference expressly teaches away from using an identification device at a point-of-sale terminal, due to associated problems as it requires a user to be physically present (paragraph 0008), and high transaction costs (paragraph 0013). Instead, the teachings of the cited Racov reference describe use of a *remote device* for making *remote* payments (paragraph 0017 and 0018, for example). This teaching away further evidences that the features of Claim 9 (which are now included in amended Claim 1) are not obvious in view of the cited reference.

Still further, it is urged that Claim 1 would not have been obvious in view of the cited reference. Claim 1 has been amended to further distinguish the invention claimed therein from the teachings of the cited reference. Per amended Claim 1, the account of telephone call minutes is credited with a number of additional call minutes commensurate with the commercial transaction by sending both the number of additional call minutes and the identification code (which was read from an identification device at the point of sale terminal) from the point-of-sale terminal to a telephone service provider of the user. This allows for direct communication of both the number of additional minutes to be credited as well as the account identification code from the point-of-sale terminal to the user's telephone service provider, as described in Applicant's Specification at page 10, line 31 – page 11, line 4. In contrast, per the teachings of the cited reference, a third party intermediary (the ICOM system) is used to communicate with a telephone service provider (page 8, paragraphs 100 and 101) such that a remote device can remotely conduct a transaction over a global communication network (page 9, paragraph 0109). The teachings of the cited reference are also keen on maintaining a separate, third party system (the ICON system), such that a single system can accommodate multiple users and multiple third parties such as merchants and banks using a single third party system (page 4, paragraph 0048). The teachings of the cited reference are also keen on providing an environment where customer information is maintained in confidence by the third party ICOM system such that the customer information is not given to a merchant (page 5, paragraph 0058), further evidencing no motivation to modify the teachings of Racov in accordance with the features of amended Claim 1. The teachings of the cited reference are also keen on providing a separate and independent third party system (ICON system) such that a plurality of different mechanisms could be used to award a given customer, such as cumulative customer purchases or the amount of funds maintained in a given customer account (page 5, paragraph 0057). Modifying the teachings in accordance

with the features of Claim 1, which provides direct access from the point of sale terminal to the telephone service provider, would preclude the ability to offer such features, further evidencing no motivation to modify such teachings. The teachings of the cited reference are also keen on providing a separate third party system (ICON system) such that a linkage can be provided to a bank to allow a customer account maintained at the ICON system to be automatically replenished by the bank when the balance drops below some minimum amount (page 4, paragraph 0047). It is therefore urged that a person of ordinary skill in the art would not have been motivated to modify the teachings of Racov to provide a point of sale terminal that reads an identification code identifying an account of telephone call minutes from an identification device, processes the commercial transaction, and sends both the number of additional call minutes and the identification code to a telephone service provider of the user. Therefore, in addition to not being anticipated by the cited reference, it is further urged that Claim 1 is not obvious in view of the cited reference.

Therefore, the rejection of Claims 1-6, 8-15, 17-24, 26 and 27 under 35 U.S.C. § 102(e) has been overcome.

## **II. 35 U.S.C. § 103, Obviousness**

The Examiner rejected Claims 7, 16 and 25 under 35 U.S.C. § 103 as being unpatentable over Racov (US 2002/0152179). This rejection is respectfully traversed for reasons given above with respect to Claim 1.

Therefore, the rejection of Claims 7, 16 and 25 under 35 U.S.C. § 103 has been overcome.

## **III. 35 U.S.C. § 103, Obviousness**

The Examiner rejected Claims 8, 17 and 26 under 35 U.S.C. § 103 as being unpatentable over Racov (US 2002/0152179) in view of Sanchez (US 2002/0174011). This rejection is respectfully traversed for reasons given above with respect to Claim 1.

Therefore, the rejection of Claims 8, 17 and 26 under 35 U.S.C. § 103 has been overcome.

**IV. Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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